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OFFICE OF PETITIONS

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In re Application of :
Nagel, et al. :
Application No. 09/729,069 : **ON PETITION**
Filed: December 4, 2000 :
Attorney Docket No. GR 99 P 5374 :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment filed September 29, 2004.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on August 21, 2003, after it was believed that no response was received to the non-final Office action mailed May 20, 2003. The notice allowed a shortened statutory period for reply of three (3) months from its mailing date. A Notice of Abandonment was mailed on September 21, 2004, indicating that a reply was not received.

The instant petition maintains that a response to the non-final Office action was mailed on August 20, 2003. A copy of the response containing a certificate of mailing dated August 20, 2003, a statement from the person who signed the certificate of mailing accompanied the petition.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was mailed prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

The application file is being forwarded to Technology Center 2800, GAU 2818 further processing, including treatment of the copy of the amendment received with the instant petition.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions